

**JOINT**  
**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS**  
**69A Hagood Avenue**  
**Charleston, South Carolina 29403-5107**  
**and the**  
**S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT**  
**1362 McMillan Avenue, Suite 400**  
**Charleston, South Carolina 29405**

REGULATORY DIVISION

Refer to: P/N #2006-1661-21R-C

August 11, 2006

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**FRED STUHR**  
**625 PARISH ROAD**  
**CHARLESTON, SOUTH CAROLINA 29407**

for a permit to place fill material in freshwater wetlands adjacent to waters of

**BERESFORD CREEK**

at a location on Sanders Farm Lane off of Clements Ferry Road, in Berkeley County, South Carolina (Latitude: 32.89222°, Longitude: 79.91278°).

In order to give all interested parties an opportunity to express their views

**N O T I C E**

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

**12 O'CLOCK NOON, MONDAY, SEPTEMBER 11, 2006**

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of placing fill material in 1.11 acres of jurisdictional fresh water wetlands (0.125 acre of impact is for road crossings, 0.985 acre of impact is for housing lots) on an 8.564 acre tract of land. Eleven lots are planned for the development. Mitigation includes preservation of 0.346 acre of on-site undisturbed freshwater wetlands and establishment of 0.059 acre of upland buffers. This area will be protected by restrictive covenants. In addition, the applicant proposes to purchase 12.1 non-buffer enhancement credits from the Pigeon Pond Mitigation Bank. The purpose of the project is to construct a single-family residential development.

**NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the**

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 1.11 acres freshwater wetlands located upstream of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any additional information it may have with regard to historic and cultural resources. **Note: This office received correspondence dated July 13, 2006 from the SC Dept. of Archives and History documenting that there were no known properties included in or eligible for inclusion in the National Register of Historic Places that would be affected by the proposed project.**

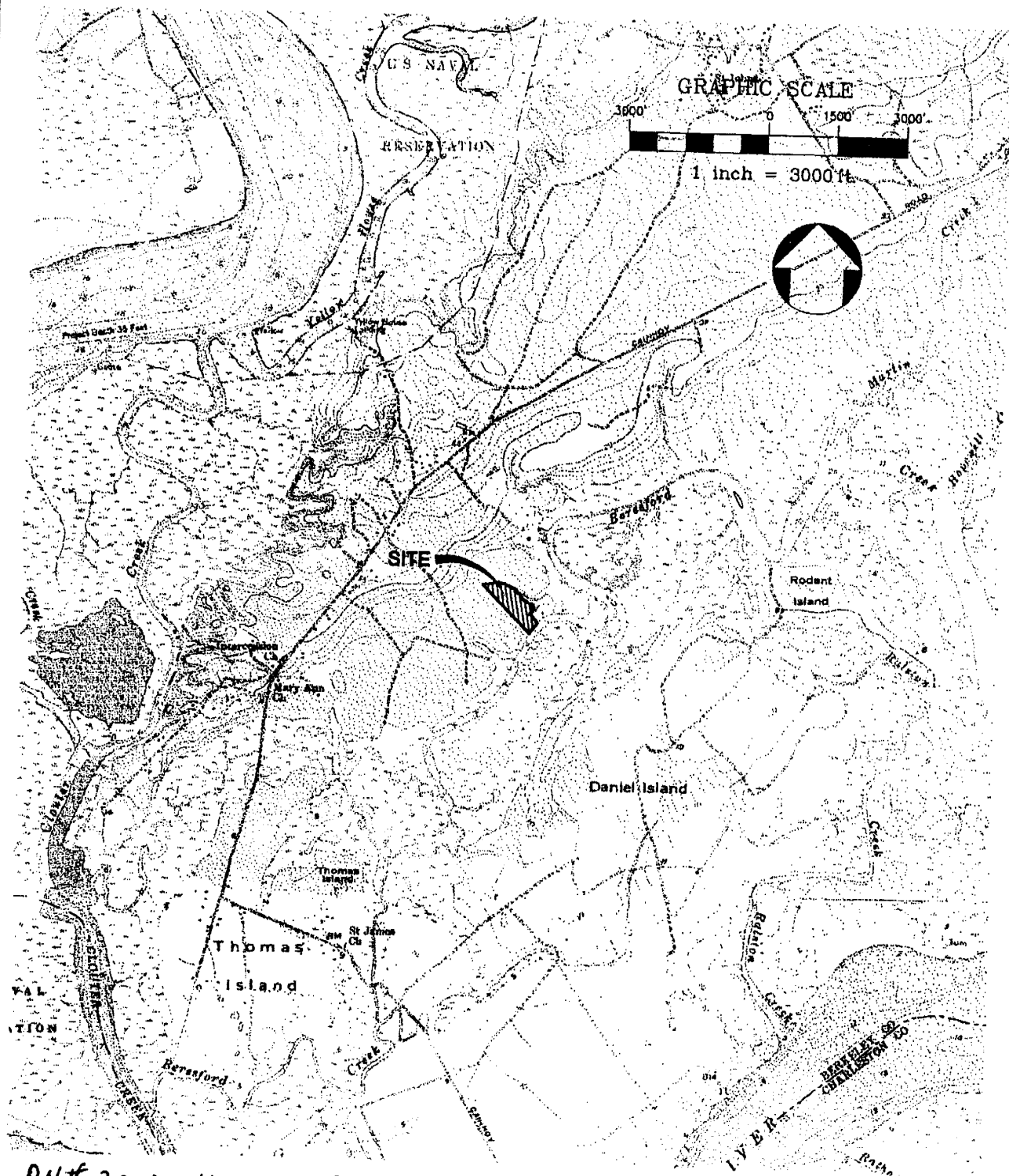
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries

Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

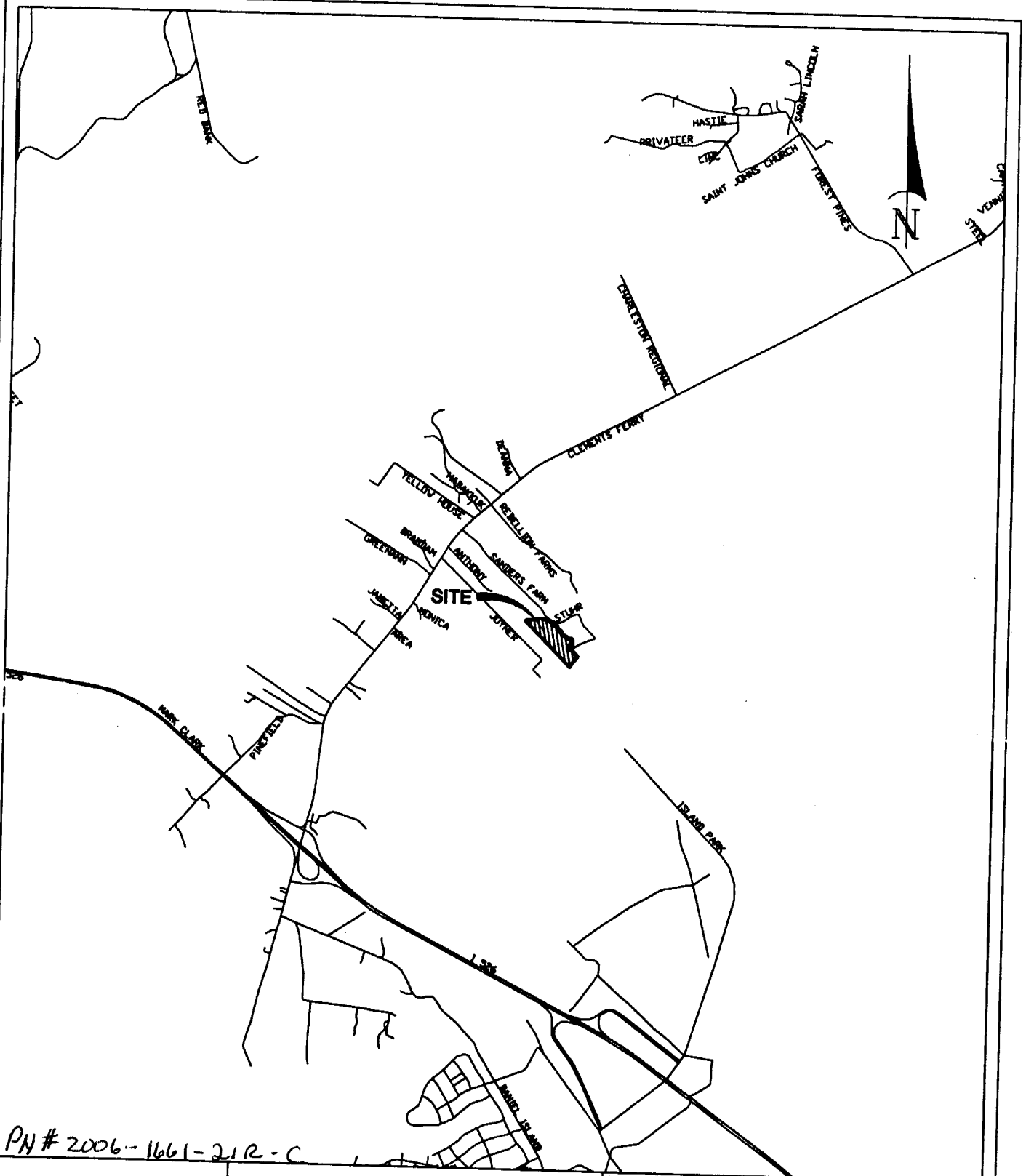
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact Robin Collier-Socha at 843-329-8044 or toll free at 1-866-329-8187.



PN# 2006-1661-2IR-C

QUAD MAP



PN # 2006-1661-212-C

## LOCATION MAP

SCALE : 1"=3,000'

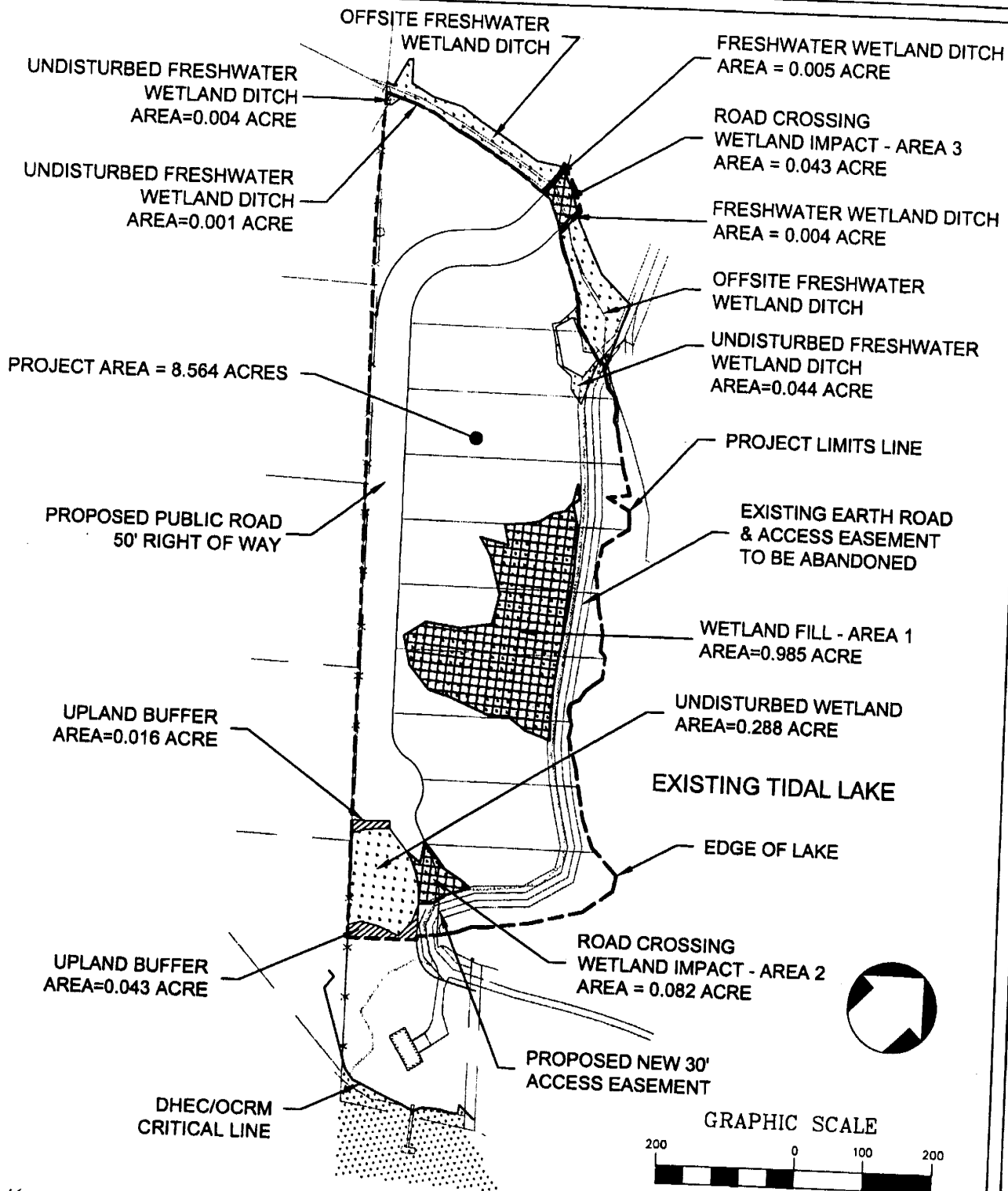
DATE : APRIL 18, 2006

SHEET 2 OF 15

PROPOSED ACTIVITY:  
WETLAND FILL FOR RESIDENTIAL  
DEVELOPMENT

FREDRICK STUHR & RICHARD STUHR  
BERKELEY COUNTY

APPLICANT: FRED STUHR



PN# 2006-1661-21R-C

OVERALL SITE

SCALE: T= 200'

DATE: APRIL 19, 2008

SHEET 3 OF 15

PROPOSED ACTIVITY:  
WETLAND FILL FOR RESIDENTIAL  
DEVELOPMENT

FREDRICK STUHR & RICHARD STUHR  
BERKELEY COUNTY

APPLICANT: FRED STUHR

JURISDICTIONAL FRESHWATER  
WETLANDS - AREA 1 TO BE FILLED  
AREA: 0.985 ACRES.  
VOLUME: 3180 CY FILL

EXISTING  
LAKE

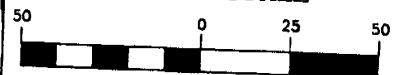
EDGE OF  
LAKE

A

A

PROPOSED PUBLIC ROAD  
RIGHT OF WAY

GRAPHIC SCALE



1 inch = 50 ft.

PN#2006-11661-2 IR-C

WETLAND FILL  
AREA 1  
MAP

SCALE: 1" = 50'

DATE: APRIL 18, 2006

SHEET 4 OF 10/15

PROPOSED ACTIVITY:  
WETLAND FILL FOR RESIDENTIAL  
DEVELOPMENT

FREDRICK STUHR & RICHARD STUHR  
BERKELEY COUNTY

APPLICANT: FRED STUHR

PROPOSED PUBLIC ROAD  
RIGHT OF WAY

PROPOSED UPLAND BUFFER  
AREA = 0.016 ACRE

UNDISTURBED WETLANDS  
AREA = 0.288 ACRES

ROAD CROSSING  
WETLAND IMPACT - AREA 2  
AREA: .082 ACRES  
VOLUME: 265 CY FILL

JURISDICTIONAL  
FRESHWATER WETLANDS

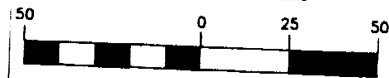
B

B

PROPOSED UPLAND BUFFER  
AREA = 0.043 ACRE



GRAPHIC SCALE



1 inch = 50 ft.

PN# 2006-1661-2IR-C

ROAD CROSSING  
IMPACT - AREA 2  
MAP

SCALE : 1" = 50'

DATE : APRIL 18, 2006

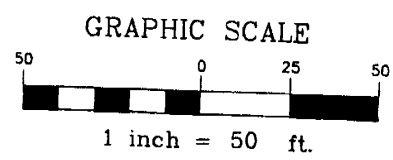
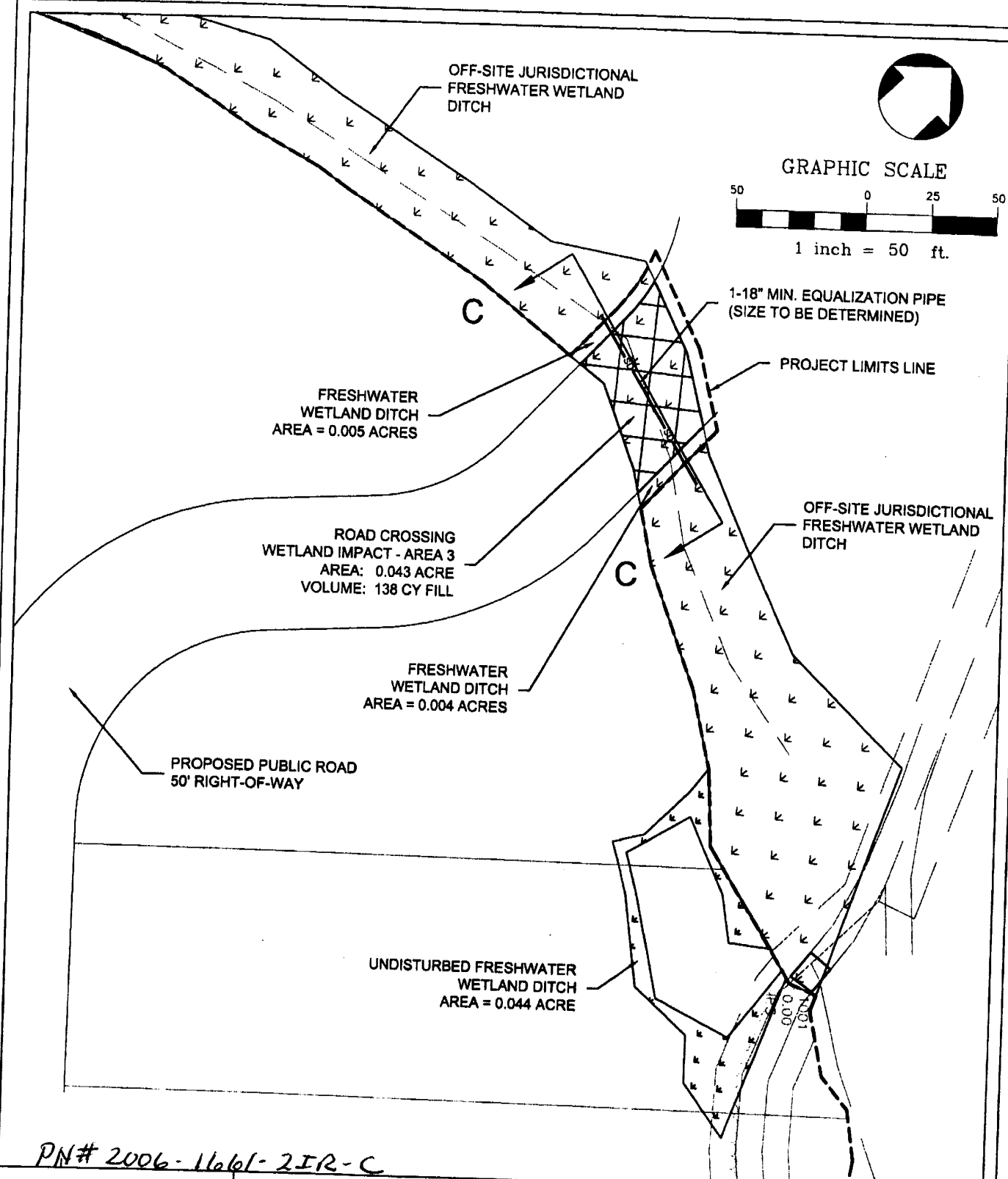
SHEET 5 OF 15

PROPOSED ACTIVITY:  
WETLAND FILL FOR RESIDENTIAL  
DEVELOPMENT

FREDRICK STUHR & RICHARD STUHR  
BERKELEY COUNTY

APPLICANT: FRED STUHR





PN# 2006-11661-2IR-C

<p><b>OFFSITE ROAD CROSSING IMPACT - AREA 3 MAP</b></p>	<p>SCALE : 1" = 50'</p> <p>DATE : APRIL 19, 2006</p> <p>SHEET 6 OF 15</p>	<p><b>PROPOSED ACTIVITY:</b> WETLAND FILL FOR RESIDENTIAL DEVELOPMENT</p> <p><b>FREDRICK STUHR &amp; RICHARD STUHR</b> BERKELEY COUNTY</p> <p><b>APPLICANT: FRED STUHR</b></p>
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# SUMMARY SHEET

## EXISTING CONDITIONS

TOTAL PROJECT AREA  
HIGHLAND  
FRESHWATER WETLANDS

## AREA (ACRES)

8.564  
7.108  
1.456

## VERIFICATION/PERMITS

WETLAND DELINEATION: SAC 81-2005-1455  
OFFSITE WETLAND DELINEATION: SAC 81-2005-1455

## IMPACTS & FILLS

JURISDICTIONAL WETLAND FILL  
JURISDICTIONAL WETLAND IMPACTS (ROAD CROSSINGS)

0.985 ACRES  
0.125 ACRES

## MITIGATION

UPLAND BUFFER  
WETLANDS PRESERVATION IN COVENANTS AND RESTRICTIONS

0.059 ACRES  
0.346 ACRES

## VOLUMES

TOTAL JURISDICTIONAL FILL  
TOTAL JURISDICTIONAL IMPACT (ROAD CROSSING)

3,179 CY FILL  
403 CY FILL

## LEGEND



WETLAND BUFFER



WETLAND FILL



WETLANDS PRESERVED

PN # 2006-1661-2IR-C

SUMMARY  
AND  
LEGEND

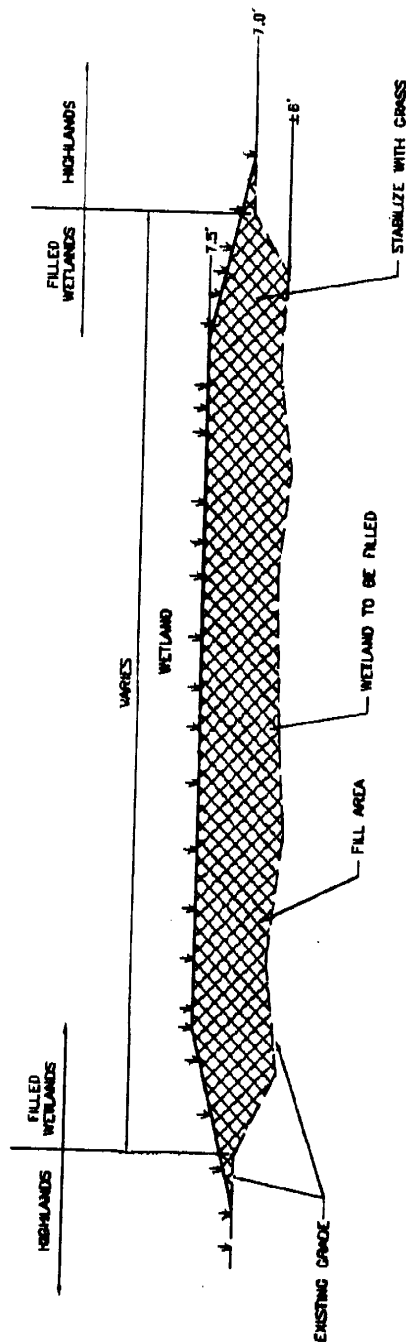
DATE : APRIL 18, 2008

SHEET 7 OF 15

PROPOSED ACTIVITY:  
WETLAND FILL FOR RESIDENTIAL  
DEVELOPMENT

FREDRICK STUHR & RICHARD STUHR  
BERKELEY COUNTY

APPLICANT: FRED STUHR



TYPICAL JURISDICTIONAL WETLAND FILL SECTION - SECTION 'A-A'  
N.T.S.

PN # 2006-1661-2IR-C

WETLAND FILL  
AREA 1  
SECTION A-A

SCALE : AS SHOWN

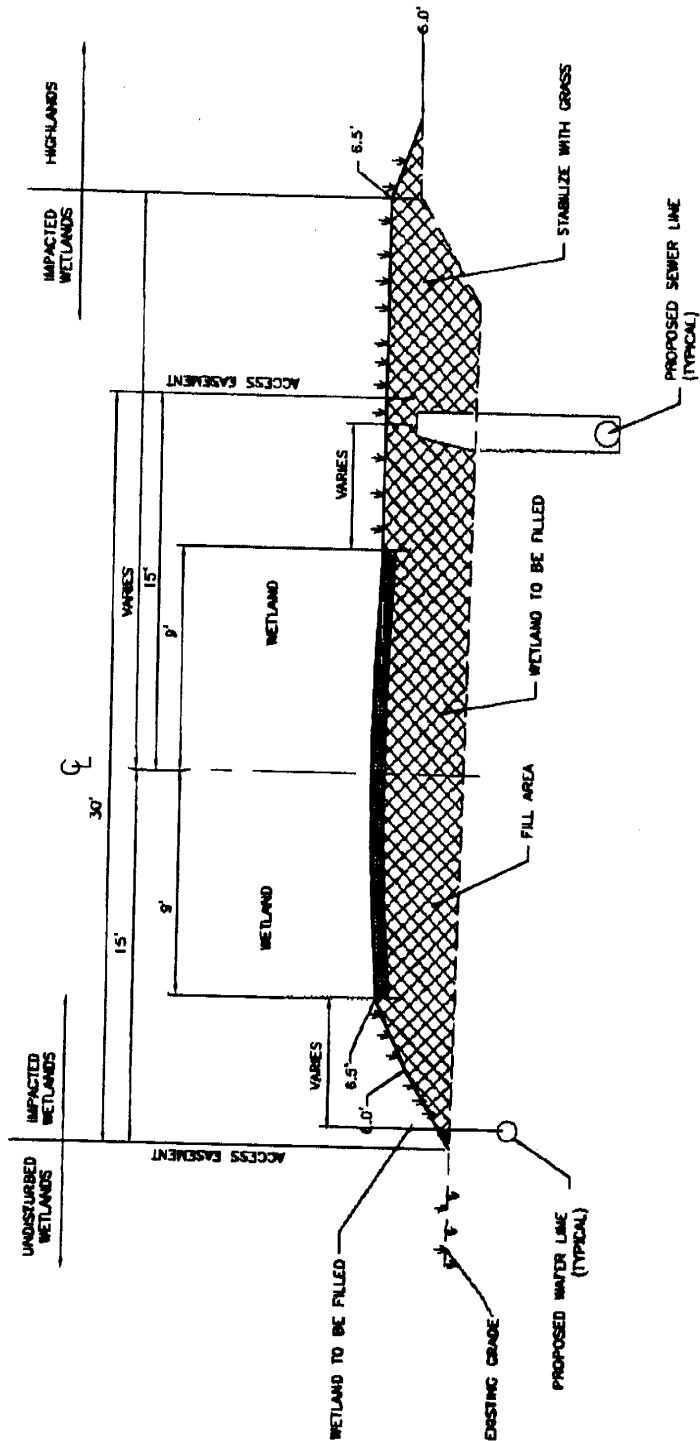
DATE : APRIL 18, 2008

SHEET 8 OF 15

PROPOSED ACTIVITY:  
WETLAND FILL FOR RESIDENTIAL  
DEVELOPMENT

FREDRICK STUHR & RICHARD STUHR  
BERKELEY COUNTY

APPLICANT: FRED STUHR



TYPICAL JURISDICTIONAL WETLAND ROADWAY CROSSING SECTION -- SECTION 'B-B'  
N.T.S.

PN# 2006-1661-2IR-C

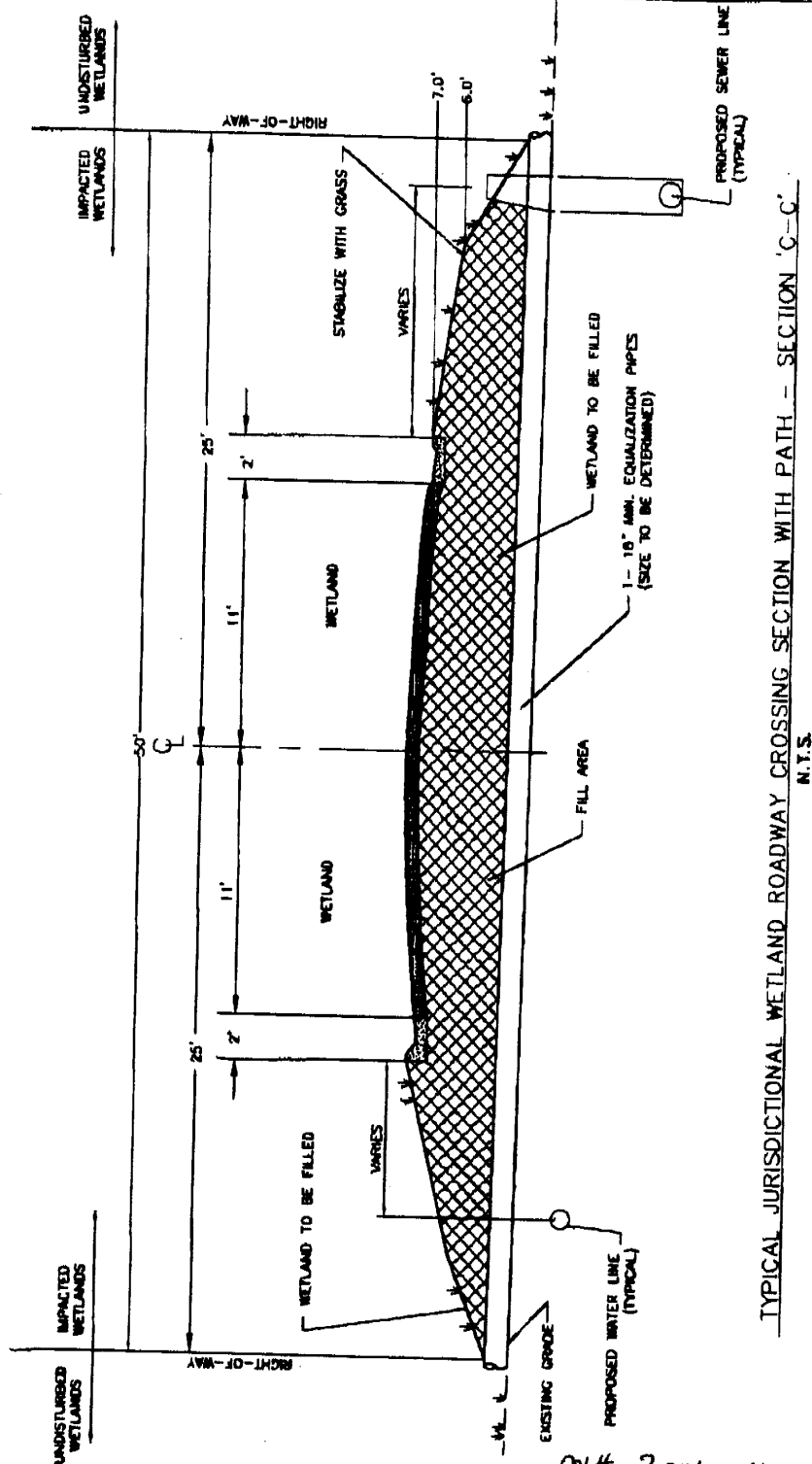
ROAD CROSSING  
AREA 2  
SECTION B-B

SCALE : AS SHOWN  
DATE : APRIL 18, 2008  
SHEET 9 OF 15

PROPOSED ACTIVITY:  
WETLAND FILL FOR RESIDENTIAL  
DEVELOPMENT

FREDRICK STUHR & RICHARD STUHR  
BERKELEY COUNTY

APPLICANT: FRED STUHR



TYPICAL JURISDICTIONAL WETLAND ROADWAY CROSSING SECTION WITH PATH - SECTION 'C-C'  
N.T.S.

PN# 2006-11661-2IR-C

OFFSITE  
ROAD CROSSING  
AREA 3  
SECTION C-C

SCALE : AS SHOWN

DATE : APRIL 18, 2008

SHEET 10 OF 15

PROPOSED ACTIVITY:  
WETLAND FILL FOR RESIDENTIAL  
DEVELOPMENT

FREDRICK STUHR & RICHARD STUHR  
BERKELEY COUNTY

APPLICANT: FRED STUHR

**Stuhr Tract**  
**28 June 2006**

The following definition is reproduced here for ready reference.

**Cumulative impact** is an evaluation of the cumulative adverse impacts to aquatic sites for the overall project. This factor is proportional to the areas of impact. The formula used to calculate this value is  $0.05 \times \sum AA$ , where  $\sum AA$ , stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this value, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor.

**Note:** The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.

Required Mitigation Credits Worksheet					
Factor	Area 1 JDFL	Area 2 JDFD	Area 3 JDW	Area 4	Area 5
Lost Type	3.0	0.2			
Priority Category	0.5	0.5			
Existing Condition	2.5	2.0			
Duration	2.0	2.0			
Dominant Impact	3.0	3.0			
Cumulative Impact	0.1	0.1			
Sum of R Factors	$R_1 = 11.1$	$R_2 = 7.8$	$R_3 =$	$R_4 =$	$R_5 =$
Impacted Area (AA)	$AA_1 = 1.067$	$AA_2 = 0.043$	$AA_3 =$	$AA_4 =$	$AA_5 =$
$R \times AA =$	11.8	0.3			
Total Required Credits = $\sum (R \times AA) =$					12.1

Area 1= Jurisdictional Wetland Fill  
Area 2= Jurisdictional Ditch Fill

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**Stuhr Tract  
28 June 2006**

**RESTORATION AND ENHANCEMENT MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF  
THE U.S. EXCLUDING STREAMS**

Factors	Options				
Net Improvement	Minimal Enhancement 0.1	to			Excellent Restoration 4.0
Control	N.A. 0	Covenant Private 0.1	Covenant POA 0.2	Conservation Easement 0.4	Transfer Fee Title Conservancy 0.6
Temporal Lag	N.A.* 0	Over 20 -0.3	10 to 20 -0.2	5 to 10 -0.1	0 to 5 0
Credit Schedule	Schedule 5* 0	Schedule 4 0.1	Schedule 3 0.2	Schedule 2 0.3	Schedule 1 0.4
Kind	Category 5 -0.1	Category 4 0	Category 3 0.2	Category 2 0.3	Category 1 0.4
Location	Zone 5 -0.1	Zone 4 0	Zone 3 0.2	Zone 2 0.3	Zone 1 0.4

N.A. = Not Applicable

\*Use this option to calculate credits for enhancement by buffering

**Proposed Restoration or Enhancement Mitigation Worksheet**

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Net Improvement	0.1				
Control	0.2				
Temporal Lag	0				
Credit Schedule	0				
Kind	0.4				
Location	0.4				
Sum of m Factors	$M_1 = 1.1$	$M_2 =$	$M_3 =$	$M_4 =$	$M_5 =$
Mitigation Area	$A_1 = 0.06$	$A_2 =$	$A_3 =$	$A_4 =$	$A_5 =$
$M \times A =$	0.1				

**Total Restoration/Enhancement Credits =  $\sum (M \times A) =$  0.1**

**Area 1= Upland Buffer Enhancement**

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**Stuhr Tract  
28 June 2006**

**PRESERVATION MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S.  
EXCLUDING STREAMS**

Factors	Options				
Priority Category	Tertiary 0.1	Secondary 0.2		Primary 0.4	
Existing Condition	Impaired -0.1	Slightly Impaired 0		Fully Functional 0.1	
Degree of Threat	Low -0.1	Moderate 0.1		High 0.2	
Control	Covenant Private 0	Covenant POA 0.1	Conservation Easement 0.4	Transfer Fee Title Conservancy 0.6	
Kind	Category 5 -0.1	Category 4 0	Category 3 0.1	Category 2 0.2	Category 1 0.3
Location	Zone 5 -0.1	Zone 4 0	Zone 3 0.1	Zone 2 0.2	Zone 1 0.3

**None:** Preservation credit should generally be limited to those areas that qualify as Fully Functional or Slightly Impaired. Impaired sites should be candidates for enhancement or restoration credit, not preservation credit. In special circumstances when Impaired sites are allowed preservation credit (e.g. within the scope of some OCRM wetland master planned projects), a negative factor will be used to calculate credits as per the matrix table.

**Proposed Preservation Mitigation Worksheet**

Factor	Area 1	Area 2	Area 3	Area	Area
Priority Category	0.1				
Existing Condition	0.1				
Degree of Threat	0.1				
Control	0.1				
Kind	0.3				
Location	0.3				
Sum of m Factors	M <sub>1</sub> = 1.0	M <sub>2</sub> =	M <sub>3</sub> =	M <sub>4</sub> =	M <sub>5</sub> =
Mitigation Area	A <sub>1</sub> = 0.346	A <sub>2</sub> =	A <sub>3</sub> =	A <sub>4</sub> =	A <sub>5</sub> =
M x A =	0.3				

**Total Preservation Credits =  $\Sigma (M \times A)$  =** 0.3

**Area 1= Wetland Preservation**

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**Stuhr Tract  
28 June 2006**

**WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS  
Mitigation Summary Worksheet For Permit Application # \_\_\_\_\_**

**I. Required Mitigation**

A. Total Required Mitigation Credits = **12.1**

**II. Non-Banking Mitigation Credit Summary**

	Credits	Acres
B. Creation		
C. Restoration and/or Enhancement (non-Buffer Enhancement)		
D. Restoration and/or Enhancement (Buffer Enhancement)	<b>0.1</b>	<b>0.06</b>
E. Total No Net Loss Non-Bank Mitigation = B + C + D	<b>0.1</b>	<b>0.06</b>
F. Preservation	<b>0.3</b>	<b>0.346</b>
G. Total Proposed Non-Bank Mitigation = E + F	<b>0.4</b>	<b>0.406</b>

**III. Banking Mitigation Credit Summary**

	Credits	Acres
H. Creation		
I. Restoration and/or Enhancement (non-Buffer Enhancement)	<b>11.7</b>	<b>Determined By Bank</b>
J. Restoration and/or Enhancement (Buffer Enhancement)		
K. Total No Net Loss Bank Mitigation = H + I + J	<b>11.7</b>	<b>Determined By Bank</b>
L. Preservation		
M. Total Proposed Bank Mitigation = K + L	<b>11.7</b>	<b>Determined By Bank</b>

**IV. Grand Totals**

	Credits	Acres
N. Total Preservation Mitigation = F + L	<b>0.3</b>	<b>0.346</b>
O. Total Non-Preservation Mitigation = E + K	<b>11.8</b>	<b>Determined By Bank + 0.06</b>
P. Total Creation = B + H		
Q. Total Restoration and/or Enhancement (Non-Buffer Enhancement) = C + I	<b>11.7</b>	<b>Determined By Bank</b>
R. Total Proposed Mitigation = G + M	<b>12.1</b>	<b>Determined By Bank + 0.406</b>

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**Stuhr Tract**  
**28 June 2006**

The Total Mitigation Credits (Row R) should be equal to or greater than the total Required Mitigation Credits (Row A) for the proposed mitigation to be acceptable. The other requirements given in the SOP must also be satisfied, e.g., in the credits column, Row O must equal at least 50% of Row A and the addition of Row P and Row Q must equal at least 25% of Row A. If the answer to any of the questions below is no, then the proposed mix and/or quantity of mitigation is not in compliance with the policy and the plan should be revised or rejected, unless a variance is approved.

	Yes	No
$PMC \geq RMC$ or in words Are the credits in Row R greater than or equal to Row A?	<b>X</b>	
$PMC_{Non\ Preservation} \geq \frac{1}{2} RMC$ or in words Are the credits in Row O greater than or equal to 50% of Row A?	<b>X</b>	
$PMC_{Creation + Restoration/Enhancement\ (Non-Buffer\ Enhancement)} \geq \frac{1}{4} RMC$ or in words Are the credits in Row P plus the credits in Row Q greater than or equal to 25% of Row A?	<b>X</b>	

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